

REMARKS

Applicant has amended claims 1, 2, 3, and 9. The amendment of claim 1 to change "continuum of frequencies" to "spectral continuum of random noise" was made to clarify the invention for the Examiner but not to overcome the prior art. The amendment to claims 2 and 3 were also to clarify the invention and not to overcome the prior art. The amendment to claim 9 to change "continuum of millimeter- and submillimeter-wave noise" to "spectral continuum of random millimeter- and submillimeter-wave noise" was also made to clarify the invention and not to overcome the prior art. Support for these amendments can be found throughout the specification such as, for example, page 5, line 29 ("without an oscillator"), and Fig. 3, which shows a spectral continuum of random noise. Thus, claims 1-38 are now pending. Original Fig. 3 has been replaced with a new drawing. No new matter is added or new issues raised by these amendments.

Remarks Regarding Drawings

This application was originally filed with a color version of Fig. 3. The Examiner requests that a petition under 37 CFR 1.84(a)(2) be filed to be granted permission to use the color figure as a formal drawing. Submitted herewith is a replacement Fig. 3, which is a black and white version of the original Fig. 3. The petition under 37 CFR 1.84(a)(2) is no longer required.

Remarks Regarding 35 U.S.C. § 103(a)

Claims 1-6, 9-12 and 17 stand rejected, under 35 U.S.C. § 103(a), as allegedly unpatentable over by Mizutani (U.S. Patent No. 6,239,663). Applicant respectfully traverses this rejection.

Mizutani relates to a high frequency oscillator. No such oscillator is required for the claimed invention to generate wave noise. Solely in an effort to expedite prosecution, claims 1 and 9 have been amended to clarify that the millimeter- and submillimeter- wave noise is generated without using an oscillator. As no millimeter or submillimeter wave noise generator that does not include an oscillator, as indicated in applicant's claims, is disclosed or suggested in Mizutani, or any of the cited reference taken alone or in combination, this rejection is believed to be moot or overcome.

Thus, the rejection of claims 1-6, 9-12 and 17, under 35 U.S.C. § 103(a), is moot or overcome and applicant respectfully requests that it be withdrawn.

Remarks Regarding Allowable Subject Matter

Applicant appreciates the Examiner's comments that claims 7, 8 and 13-16 are allowable if rewritten in independent form to include all of the limitations of the base claims. As the one rejection of the remaining claims has been overcome, it is believed that these claims are allowable as originally filed.

Conclusion

The application is in condition for allowance and the prompt issuance of a notice of allowance is respectfully requested. If there are any additional fees due with the filing of this Amendment, not otherwise accounted for herein, including any further fees for an extension of time, applicant respectfully requests that extension and further requests that any and all such fees be charged to Deposit Account No. 03-1952.

Respectfully submitted
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